

Hon. Thomas S. Zilly

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

MIKE SONG and SCOTT SONG,

Defendants.

NO. CR06-0390TSZ

SECOND ORDER EXTENDING
MOTIONS DEADLINE AND
TRIAL DATE

THIS MATTER having come before the Court on a joint motion of the parties for a second order extending the deadline for filing pretrial motions and continuing the trial date, and the Court having considered the stipulated motion of the parties, together with the balance of the records and files herein, the Court now finds and rules as follows:

On December 8, 2006, this Court entered an order extending the motions deadline in this matter until February 26, 2007, and the trial date until March 26, 2007. Since the first order, the United States has produced a large amount of discovery in this case, including copies of the entire hard drives of nine computers used at the Defendants' business. Each hard drive contains large amounts of data and thousands of communications between the Defendants, other employees and outside vendors. Despite due diligence, the parties require additional time to review the discovery, analyze the evidence, investigate the charges, and possibly consult with experts.

Therefore, it appearing to the Court that the failure to extend the trial date would deny the parties the reasonable time necessary for effective preparation, taking into

1 account the exercise of due diligence, and it further appearing to the Court that the ends
2 of justice served by granting the requested continuance outweigh the interest of the public
3 and the Defendants in a speedy trial,

4 IT IS HEREBY ORDERED that the joint motion of the parties to extend the
5 motions deadline and continue the trial date is GRANTED;

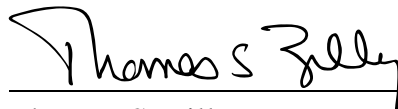
6 IT IS FURTHER ORDERED that the trial in this matter is continued from March
7 26, 2007, to June 25, 2007, at 9:00 a.m.;

8 IT IS FURTHER ORDERED that the period of delay from March 26, 2007, until
9 June 25, 2007, is excludable time, pursuant to 18 U.S.C. § 3161(h)(8)(A), for the purpose
10 of computing the time limitations imposed by the Speedy Trial Act, 18 U.S.C.

11 §§ 3161-3174. Having advised the Court through the representations of counsels that
12 both Defendants have agreed to waive their rights to a speedy trial under the Speedy Trial
13 Act, 18 U.S.C. §§ 3161-3174, and that they have further agreed that the period from
14 March 26, 2007, until June 25, 2007, shall be an excludable period of time pursuant to 18
15 U.S.C. § 3161(h)(8)(A), Mike Song and Scott Song shall each immediately execute and
16 file a formal waiver of speedy trial rights documenting their agreement to the continuance
17 and to the exclusion of time;

18 IT IS FURTHER ORDERED that pretrial motions in this case are due on May 25,
19 2007.

20 DATED this 27th day of February, 2007.

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23 Thomas S. Zilly
24 United States District Judge
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